

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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HOUSE BILL 120\*  
Committee Substitute Favorable 3/6/13  
Third Edition Engrossed 3/11/13  
Fourth Edition Engrossed 3/12/13

Short Title: Blding Codes: Local Consistency/Exempt Cable.

(Public)

Sponsors:

Referred to:

February 20, 2013

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE APPROVAL FROM THE NORTH CAROLINA BUILDING CODE  
3 COUNCIL BEFORE A UNIT OF LOCAL GOVERNMENT MAY REQUIRE BUILDING  
4 INSPECTIONS IN ADDITION TO THOSE REQUIRED BY THE BUILDING CODE;  
5 TO SPECIFY THE FREQUENCY AND EFFECTIVE DATES OF CODE UPDATES;  
6 AND TO EXEMPT CABLE TELEVISION EQUIPMENT INSTALLATION FROM  
7 BUILDING CODE REQUIREMENTS.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.(a)** G.S.153A-352 reads as rewritten:

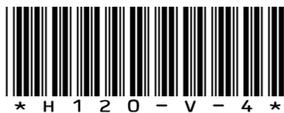
10 "**§ 153A-352. Duties and responsibilities.**

11 (a) The duties and responsibilities of an inspection department and of the inspectors in  
12 it are to enforce within the county's territorial jurisdiction State and local laws and local  
13 ordinances and regulations relating to:

- 14 (1) The construction of buildings;  
15 (2) The installation of such facilities as plumbing systems, electrical systems,  
16 heating systems, refrigeration systems, and air-conditioning systems;  
17 (3) The maintenance of buildings in a safe, sanitary, and healthful condition;  
18 (4) Other matters that may be specified by the board of commissioners.

19 These duties and responsibilities include receiving applications for permits and issuing or  
20 denying permits, making necessary inspections, issuing or denying certificates of compliance,  
21 issuing orders to correct violations, bringing judicial actions against actual or threatened  
22 violations, keeping adequate records, and taking any other actions that may be required to  
23 adequately enforce the laws and ordinances and regulations. The board of commissioners may  
24 enact reasonable and appropriate provisions governing the enforcement of the laws and  
25 ordinances and regulations.

26 (b) Except as provided in G.S. 153A-364, a county may not adopt a local ordinance or  
27 resolution or any other policy that requires regular, routine inspections of buildings or  
28 structures constructed in compliance with the North Carolina Residential Code for One- and  
29 Two-Family Dwellings in addition to the specific inspections required by the North Carolina  
30 Building Code without first obtaining approval from the North Carolina Building Code  
31 Council. The North Carolina Building Code Council shall review all applications for additional  
32 inspections requested by a county and shall, in a reasonable manner, approve or disapprove the  
33 additional inspections. This subsection does not limit the authority of the county to require  
34 inspections upon unforeseen or unique circumstances that require immediate action."



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1           **SECTION 1.(b)** G.S. 160A-412 reads as rewritten:

2   "**§ 160A-412. Duties and responsibilities.**

3       (a)   The duties and responsibilities of an inspection department and of the inspectors  
4   therein shall be to enforce within their territorial jurisdiction State and local laws relating to

5           (1)   The construction of buildings and other structures;

6           (2)   The installation of such facilities as plumbing systems, electrical systems,  
7           heating systems, refrigeration systems, and air-conditioning systems;

8           (3)   The maintenance of buildings and other structures in a safe, sanitary, and  
9           healthful condition;

10          (4)   Other matters that may be specified by the city council.

11   These duties shall include the receipt of applications for permits and the issuance or denial of  
12   permits, the making of any necessary inspections, the issuance or denial of certificates of  
13   compliance, the issuance of orders to correct violations, the bringing of judicial actions against  
14   actual or threatened violations, the keeping of adequate records, and any other actions that may  
15   be required in order adequately to enforce those laws. The city council shall have the authority  
16   to enact reasonable and appropriate provisions governing the enforcement of those laws.

17       (b)   Except as provided in G.S. 160A-424, a city may not adopt a local ordinance or  
18   resolution or any other policy that requires regular, routine inspections of buildings or  
19   structures constructed in compliance with the North Carolina Residential Code for One- and  
20   Two-Family Dwellings in addition to the specific inspections required by the North Carolina  
21   Building Code without first obtaining approval from the North Carolina Building Code  
22   Council. The North Carolina Building Code Council shall review all applications for additional  
23   inspections requested by a city and shall, in a reasonable manner, approve or disapprove the  
24   additional inspections. This subsection does not limit the authority of the city to require  
25   inspections upon unforeseen or unique circumstances that require immediate action."

26       **SECTION 2.** G.S. 143-138(d) reads as rewritten:

27       (d)   Amendments of the Code. – The Building Code Council may periodically revise  
28   and amend the North Carolina State Building Code, either on its own motion or upon  
29   application from any citizen, State agency, or political subdivision of the State. In addition to  
30   the periodic revisions or amendments made by the Council, the Council shall revise the North  
31   Carolina State Building Code: Residential Code for One- and Two-Family Dwellings,  
32   including provisions applicable to One- and Two-Family Dwellings from the NC Energy Code,  
33   NC Electrical Code, NC Fuel Gas Code, NC Plumbing Code, and NC Mechanical Code only  
34   every six years, to become effective the first day of January of the following year, with at least  
35   six months between adoption and effective date. The first six-year revision under this  
36   subsection shall be adopted to become effective January 1, 2019, and every six years thereafter.  
37   In adopting any amendment, the Council shall comply with the same procedural requirements  
38   and the same standards set forth above for adoption of the Code. The Council, through the  
39   Department of Insurance, shall publish in the North Carolina Register and shall post on the  
40   Council's Web site all appeal decisions made by the Council and all formal opinions at least  
41   semiannually. The Council, through the Department of Insurance, shall also publish at least  
42   semiannually in the North Carolina Register a statement providing the accurate Web site  
43   address and information on how to find additional commentary and interpretation of the Code."

44       **SECTION 3.** G.S. 143-138(b8) reads as rewritten:

45       (b8)   Nothing in this Article shall extend to or be construed as being applicable to the  
46   regulation of the design, construction, location, installation, or operation of (1) equipment for  
47   storing, handling, transporting, and utilizing liquefied petroleum gases for fuel purposes or  
48   anhydrous ammonia or other liquid fertilizers, except for liquefied petroleum gas from the  
49   outlet of the first stage pressure regulator to and including each liquefied petroleum gas  
50   utilization device within a building or structure covered by the Code, or (2) equipment or  
51   facilities, other than buildings, of a public utility, as defined in G.S. 62-3, a cable television

1 company, or an electric or telephone membership corporation, including without limitation  
2 poles, towers, and other structures supporting ~~electric~~electric, cable television, or  
3 communication lines."

4 **SECTION 3.5.** The Department of Insurance shall post and maintain on its Web  
5 site written commentaries and written interpretations made and given by staff to the North  
6 Carolina Building Code Council and the Department for each section of the North Carolina  
7 Building Code.

8 **SECTION 4.** If any provision of this act or its application is held invalid, the  
9 invalidity does not affect other provisions or applications of this act that can be given effect  
10 without the invalid provisions or application, and to this end the provisions of this act are  
11 severable.

12 **SECTION 5.** This act becomes effective July 1, 2013.